

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 8, 1958
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, White, Mayor Miller
Absent: Councilman Pearson

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by REV. TOM MARTIN, Assistant Pastor, First Baptist Church, 120 West 10th Street.

Councilman White moved that the Minutes of the Meeting of May 1, 1958, be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

MR. CHARLES EARL SANDERSON and a group were present regarding the paving of Allandale Road, urging that the City request State participation since it was a farm to market road, and asking that the truck traffic be rerouted; placing of stop signs and enforcement of speed limits. Mayor Miller read a letter received from MR. ED BLUESTEIN, Texas Highway Department, stating that Department did not participate in the construction cost of Farm-to-Market Roads within city limits of cities having a population over 5000. As to rerouting the trucks, the Mayor stated the owners would be encouraged to divide their truck traffic, but there was no way of enforcing a rerouting. Police patrol would be provided to stop the speeding, and a school patrolman was stationed at the school.

MR. TRICKELMAN and a group from Vallejo addition and Violet Crown Addition, appeared before the Council reporting a bad drainage condition in the creek in the Arroya Seca and Goodnight Lane areas, stating the creek overflowed, and that open sewage was draining into the neighborhood. A petition with approximately 125 signatures was filed, as were pictures showing the overflow. The Director of Public Works gave a resume of the work which was planned and

already started in this creek area, and stated this work would take care of the drainage. The Public Health Officer was given a list of streets in the area that should be fogged, and the Water Superintendent was asked to check into the sewage problem. The Mayor announced that the Council would make a personal inspection of the area this afternoon.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE
NO. 580501-A OF THE CITY OF AUSTIN PERTAINING
TO THE PAVING OF A PORTION OF ALLENDALE ROAD;
AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

MISS PAULINE BARLOW read a petition signed by property owners of Glen Oak Addition, requesting a fire plug; the opening of Waldine Street to Hargrave Street and a bridge across it; and storm sewers in Boggy Creek. Waldine Street is a dead end street, and very narrow, as is Lowe Street. Miss Barlow stated also the mosquitos were very bad in this area due to the overflow of the creek. The Director of Public Works stated there was nothing set up in the bond program for the construction of a bridge across Waldine Street. The Mayor asked that "dead-end" markers be erected on these streets, and that the area be sprayed; and in the meantime that maps be prepared of the area and the Council would see what could be done.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE PRESCRIBING FARES AND CHARGES COLLECTIBLE, BEGINNING THE 1ST DAY OF JULY, 1947, BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM FOR LOCAL TRANSPORTATION OF PASSENGERS FOR HIRE USING OR OPERATING UNDER A PUBLIC FRANCHISE; PRESCRIBING PAYMENTS TO THE CITY OF AUSTIN, BASED UPON GROSS ANNUAL RECEIPTS FROM OPERATIONS, BY EVERY PERSON FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM; FIXING TIMES FOR SUCH PAYMENTS; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN JUNE 26, 1947, AND IS RECORDED IN BOOK "M", PAGES 523-524, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 1 THEREOF PRESCRIBING RATES FOR THE TRANSPORTATION OF PASSENGERS FOR HIRE BY BUS WITHIN THE CITY OF AUSTIN.

The ordinance was read the first time and Councilman White moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The Mayor referred to a petition mailed in by MR. BOB LUSK requesting a rehearing on the matter, and asked that the Transit Corp. get in touch with Mr. Lusk to explain the zone changes to him and his group. As to the effective date of the ordinance, Mr. Malone stated it would be better to change the date to June 8th.

The Mayor brought up the following zoning applications deferred from last week:

JOHN RIVAS	2501 Diaz Street 625-27 Pedernales Street	From "D" Industrial To "C-1" Commercial NOT Recommended by the Planning Commission
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The Mayor asked those who wished to grant the change to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance.

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J. H. HAUSENFLUKE

4408-4412 Lamar Boulevard

From "C" Commercial
 To "C-1" Commercial
 RECOMMENDED by the
 Planning Commission

The Mayor asked those who wished to grant the change to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 15, 1958, for the purchase of asbestos curtain, stage draperies, house draperies and sound panels for the Convention Center and Municipal Auditorium; and,

WHEREAS, the bid of Hubert Mitchell in the sum of \$16,690.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Assistant City Manager of the City of Austin; Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Hubert Mitchell in the sum of \$16,690.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Hubert Mitchell.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 5, 1958, for the purchase of traffic signal control equipment; namely 13 controllers; and,

WHEREAS, the bid of General Electric Supply in the sum of \$8,230.04 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the City Manager of the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of General Electric Supply in the sum of \$8,230.04 be and

the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with General Electric Supply.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE FOLLOWING: (1) A TRACT OF LAND FRONTING 95 FEET ON THE EAST RIGHT OF WAY LINE OF BURNET ROAD, LOCALLY KNOWN AS 6315-6321 BURNET ROAD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (2) LOT 7, BLOCK F, RAYMOND SUBDIVISION, FROM "B" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; (3) LOT 5, BLOCK 5, BROADACRES SUBDIVISION, FROM "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT AND "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (4) LOTS 40 AND 42, NORTHFIELD ADDITION FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND (5) ONE LOT FRONTING 60 FEET ON THE NORTH RIGHT OF WAY LINE OF WEST 35TH STREET, LOCALLY KNOWN AS 1608 WEST 35TH STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion,

seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

The City Attorney explained a request for vacating a portion of Old Pecan Springs Road and exchange of a tract to be dedicated for re-location of Manor Road. The City Manager stated if the plan met with the Council's approval an ordinance would be submitted as soon as the City got the deed for the property. Councilman Long moved that the plan as outlined in the sketch be approved subject to obtaining the necessary deed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH NELSON PUEPT AND ASSOCIATES BUILDING AND SUPPLY INC.; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH NELSON PUETT AND ASSOCIATES BUILDING AND SUPPLY INC.; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

The Mayor asked that special caution be made in making payments on refund contracts, when the subdividers have not paid taxes. It was stated these matters were being checked, as the City was prohibited by Charter to make payments to anyone owing taxes to the City.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO A NEW CHAPTER PERTAINING TO THE REGULATION OF MASSAGE PARLORS, DESIGNATED CHAPTER 37; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

The City Attorney explained a proposed ordinance regulating ITINERANT VENDORS. Public Hearing was scheduled on this Ordinance for June 5, 1958, at 10:00 A.M.

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING A PORTION OF WEST 17TH STREET EXTENDING FROM A POINT 200 FEET WEST OF THE WEST LINE OF SAN GABRIEL STREET TO THE EAST LINE OF SHOAL CREEK BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING PUBLIC UTILITIES EASEMENT; AND SUSPENDING THE ORDINANCE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"May 6, 1958

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, May 6, 1958 for the construction of pavement and accessories on West 1st Street from Lamar Boulevard to the S.G.L. of Lake Austin Boulevard - Contract Number 58-C-17.

"McKown & Sons	\$44,821.88
Collins Construction Co.	51,934.78
Giesen & Latson Constr. Co.	59,689.96
" "City's Estimate	\$41,297.86

"I recommend that McKown & Sons with their low bid of \$44,821.88 be awarded the contract for this project.

"S. Reuben Rountree, Jr.
 Director of Public Works"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 6, 1958, for the construction of pavement and accessories on West First Street from Lamar Boulevard to the south gutter line of Lake Austin Boulevard - Contract Number 58-C-17; and,

WHEREAS, the bid of McKown & Sons in the sum of \$44,821.88 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of McKown & Sons in the sum of \$44,821.88 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with McKown & Sons.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilman Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

The City Manager submitted the following:

"May 7, 1958

"Mr. W. T. Williams, Jr.
City Manager
City of Austin, Texas

"Dear Mr. Williams; :

"Bids were received until 2:00 P.M., Tuesday, May 6, 1958, at the Office of Director of Water and Sewer Department for the East District Park Lawn Sprinkler System, then publicly opened and read.

"The following is a tabulation of bids received:

<u>Firm</u>	<u>Amount</u>	<u>Working Days</u>
P. G. Sosa and Sons	\$5,376.63	25 working days
Lawn Mist Sprinkler Co.	5,558.65	40 working days
Gorbet Lawn Sprinkler Service	5,886.32	25 working days
Valentine Machine and Welding Co.	6,724.11	60 working days

"It is recommended that the contract be awarded to P. G. Sosa and Sons on their low bid of \$5,376.63 with 25 working days.

"Yours truly,
Albert R. Davis, Director
Water and Sewer Department
APPROVED: W. T. Williams, Jr.
City Manager
Beverly Sheffield, Director
Austin Recreation Department"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 6, 1958, for the installation of lawn sprinkler system in East District Park; and,

WHEREAS, the bid of P. G. Sosa and Sons in the sum of \$5,376.63 was the lowest and best bid therefor, and the acceptance of such bid has been

recommended by the Director of the Water and Sewer Department of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of P. G. Sosa and Sons in the sum of \$5,376.63 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with P. G. Sosa and Sons.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a floating boat dock on the property owned by Sallie Schultz and Phyllis Walliser, the same being on the opposite bank below Austin City Park known as Lot 28 and 29 of the Lakeside Addition, as listed in the Travis County Deed Records, and hereby authorizes the said Sallie Schultz and Phyllis Walliser to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocations is retained if, after hearing, it is found by the City Council that the said Sallie Schultz and Phyllis Walliser has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
May 8, 1958

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Sallie Schultz and Phyllis Walliser, by their attorney, Herman Jones, owners of a piece of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being on the opposite bank below Austin City Park known as Lot 28 and 29 of the Lakeside

Addition, as listed in the Travis County Deed Records; for permission to construct and maintain a floating boat dock projecting out into the lake approximately 45 feet beyond the normal high water level. The construction details meeting all requirements, I, therefore, recommend that if Sallie Schultz and Phyllis Walliser are granted their request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the erection of a building located at 101 East 15th Street and desires a portion of the sidewalk and street space abutting Block 172, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described block; thence in a westerly direction and at right angles

to the center line of Congress Avenue to a point 13 feet west of the west curb line; thence in a southerly direction and parallel to the center line of Congress Avenue approximately 168 feet to a point; thence in an easterly direction and at right angles to the center line of Congress Avenue to the west line of the above described property.

Beginning at the northeast corner of the above described block; thence in an easterly direction and at right angles to the center line of Brazos Street to a point 13 feet east of the west curb line; thence in a southerly direction and parallel to the center line of Brazos Street approximately 225 feet to a point; thence in a westerly direction and at right angles to the center line of Brazos Street to the east line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impeded vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness

and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than August 1, 1959.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The City Manager called attention to the expiration date of August 1, 1959, stating if the building were not completed, it would be necessary for the contractor to ask for a renewal.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 580501-B OF THE CITY OF AUSTIN PERTAINING TO THE VOTING PLACE IN VOTING PRECINCT NUMBER 238; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

The City Attorney discussed a standard form of contract from the Texas Highway Department in the Municipal Ordinance and Agreements. In the particular instance, the Austin (Expressway) east to Elgin, the City Attorney, after detailed explanation recommended that this contract not be signed at this time. The Mayor stated he would like to discuss the matter with the highway officials.

The Council recessed at 12:40 P.M. until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

Hearing on closing Sabine Street from East 14th to East 15th was held. Opposition was expressed by DR. S. H. DRYDEN, 1302 Sabine; MRS. DOUGLAS PRUETT, Planned Parenthood Board at 1300 Sabine; MR. R. A. LUXINGER, Trustee for property at 14th and Sabine (southwest corner); MR. JOHN ADAMS; DR. TODERA; DR. H. A. SCOTT; DR. BANNER GREGG; MR. WERNER JESSEN, and others. MR. TOM FORQUEAN, Administrator of the Hospital, outlined reasons for recommending the closing of the street. MR. LASSISTER, some nurses and others favored the closing of the street. After discussion, Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING THAT PORTION OF SABINE STREET LYING BETWEEN THE NORTH LINE OF EAST 14TH STREET AND THE SOUTH LINE OF EAST 15TH STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND PERPETUALLY VACATING AND CLOSING THAT CERTAIN ALLEY WHICH EXTENDS FROM THE WEST LINE OF SABINE STREET, WESTERLY TO THE EAST LINE OF RED RIVER STREET, WHICH ALLEY TRAVERSES BLOCK 167 OF THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE ORDINANCE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Palmer, White, Mayor Miller
Noes: Councilman Long
Absent: Councilman Pearson

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 570314-C
PERTAINING TO THE APPOINTMENT OF ELECTION
OFFICIALS TO FILL VACANCIES; REPEALING ALL
ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT
HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

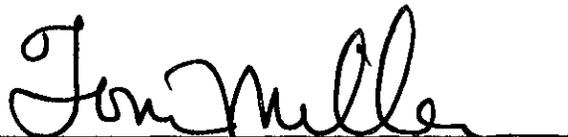
The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

There being no further business, the Council adjourned at 4:25 P.M., subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:



City Clerk